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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ENERGIZER S.A., :

Plaintiff, :

- Against - :

M/V YM GREEN her engines, boilers and :
tackle *in rem*; YANG MING MARINE :
TRANSPORT CORP.; YANGMING (UK) LTD.; :
ALL OCEANS TRANSPORTATION INC.; :
KAWASAKI KISEN KAISHA LTD.; CONTERM :
HONG KONG LTD.; VANGUARD LOGISTICS :
SERVICES HONG KONG LTD.; :
FIEGE GOTH CO., LTD.; and SHENZHEN HIGH :
POWER TECHNOLOGY CO. LTD. :

Defendants. :

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**ENERGIZER S.A.'S
REPLY TO COUNTERCLAIM
OF DEFENDANT FIEGE LTD.**

The Plaintiff, Energizer S.A., by and through its attorneys Hill Rivkins & Hayden LLP, as
and for its reply to the counterclaims asserted by defendant Fiege Ltd. formerly known as and sued

herein as Fiege Goth Co. Ltd. ("Fiege") alleges upon information and belief as follows:

AS AND FOR ENERGIZER'S REPLY TO FIEGE'S FIRST COUNTERCLAIM

1. Plaintiff denies knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Counterclaim.
2. Plaintiff admits the allegations set forth in Paragraph 2 of the Counterclaim.
3. Paragraph 3 of the Counterclaim is one to which no response is required.
4. Plaintiff denies the allegations set forth in Paragraph 4 of the Counterclaim.

AS AND FOR ENERGIZER'S REPLY TO FIEGE'S SECOND COUNTERCLAIM

1. Plaintiff denies knowledge and information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Counterclaim.
2. Plaintiff admits the allegations set forth in Paragraph 2 of the Counterclaim.
3. Paragraph 3 of the Counterclaim is one to which no response is required.
4. Plaintiff denies the allegations set forth in Paragraph 4 of the Counterclaim.
5. Plaintiff denies the allegations set forth in Paragraph 5 of the Counterclaim.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

The counterclaim fails to state a claim upon which relief maybe granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

If Defendant Fiege sustained any damage, which is denied, said damages were caused in whole or in part by Defendant's own acts of negligence and were not caused or contributed to in

any manner by the fault, negligence, want of care, lack of due diligence, or breach of any warranty on the part of plaintiff.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

If Defendant Fiege sustained any damages, which is denied, said damage were caused solely by the acts or omissions of third parties for which Plaintiff is not responsible and over which Plaintiff had no control and were not caused or contributed to in any manner by the fault, negligence, want of care, lack of due diligence, or breach of any warranty on the part of Plaintiff.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

Defendant Fiege failed to properly mitigate its damages.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

If Plaintiff is found negligent, which is denied, any such negligence was superseded by the negligence and or other wrongful acts of Defendant Fiege and/or third parties over whom plaintiff had no control and for which plaintiff is not responsible.

**CLAIM FOR INDEMNITY AND CONTRIBUTION FROM
DEFENDANTS M/V YM GREEN, ALL OCEANS TRANSPORTATION, INC.,
SHENZHEN HIGH POWER, K-LINE, CONTERM, VANGUARD,
YANG MING MARINE TRANSPORT CORP. and YANGMING U.K. LTD.**

1. Defendant Fiege claims to have sustained losses as a result of the fire that took place on board the M/V YM GREEN including hold no. 4 of the said vessel and intend to hold Energizer liable for any and all losses it has sustained, all of which Energizer has expressly denied.

2. To the extent Plaintiff Energizer is held liable or becomes liable to pay for the losses of Defendant Fiege, all of which is expressly denied, said losses were caused directly and proximately, in whole or in part, by defendants M/V YM GREEN, ALL OCEANS TRANSPORTATION, INC., SHENZHEN HIGH POWER TECHNOLOGY CO., LTD., K-LINE, CONTERM, VANGUARD, YANG MING MARINE TRANSPORT CORP. and YANGMING U.K. LTD. reckless, negligent and improper manufacture, loading, stowing, handling, carriage, keeping and caring for, transshipment, and/or consolidation of plaintiff's cargo with other cargoes, all of which were committed with knowledge that damage would probably result and, therefore, plaintiff is entitled to complete indemnity and full contribution from these defendants.

WHEREFORE, Plaintiff prays:

1. That the counterclaim asserted by Defendant FIEGE LTD. be dismissed with prejudice together with costs, disbursements and attorneys' fees.

2. That judgment be entered against defendants M/V YM GREEN, ALL OCEANS TRANSPORTATION, INC., SHENZHEN HIGH POWER TECHNOLOGY CO., LTD., CONTERM HONG KONG LTD., VANGUARD LOGISTICS SERVICES HONG KONG LTD., KAWASAKI KISEN KAISHA LTD., YANG MING MARINE TRANSPORT CORP. and YANGMING U.K. LTD. on Energizer's claim for indemnity and contribution.

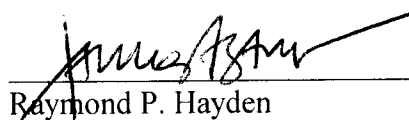
3. Plaintiff further prays for such other, further and different relief as to this Court may

deem just and proper in the premises.

Dated: New York, New York
March 27, 2008

Respectfully submitted,

HILL, RIVKINS & HAYDEN LLP
Attorneys for Plaintiff Energizer, S.A.

A handwritten signature in black ink, appearing to read "Raymond P. Hayden", is written over a horizontal line.

Raymond P. Hayden
~~James A. Saville, Jr.~~
Kipp C. Leland

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